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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/842,668	04/27/2001	Hisakazu Kobayashi	2001_0512A	7703

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EXAMINER

LEE, RICHARD J

ART UNIT PAPER NUMBER

2613

DATE MAILED: 01/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/842,668

Applicant(s)

KOBAYASHI ET AL.

Examiner

Richard Lee

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4,7-15,17 and 21-29 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-4,7-15,17 and 21-29 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____. | 6) <input type="checkbox"/> Other: _____ |

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1. Claims 22-24 are objected to because of the following informalities:

At claim 24, line 1, "moving image and audio" should be deleted for clarity.

Appropriate correction is required.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 7, 21, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Monroe of record (6,392,692) in view of Raskin of record (3,668,526) and Ichino of record ((5,440,351).

Monroe discloses a network communication techniques for security surveillance and safety system as shown in Figures 1, 2a, 2b, 3a, 3b, 4a, 4b, 6, 12a, 12b, 12c, and 13, 16, and substantially the same transmitter for transmitting at least one of a moving image and an audio signal to a communication terminal (see Figures 12a, 12b, 12c, 13, and 16), comprising substantially the same moving image compression coder (i.e., 402 of Figures 12b, 12c) for compressing and coding a moving image signal output from a moving image input unit (i.e., C1, 400 of Figures 12b, 12c); an audio compression coder (408 of Figures 12b, 12c) for compressing and coding the audio signal; a radio transmitter unit (see column 11, lines 7-20, 80 of Figure 13) for transmitting the moving image signal compressed and coded in the moving image compression coder, and the audio data compressed and coded in the audio compression coder; an audio output unit (i.e., 240 of Figure 13) for outputting the audio signal; an audio output instructing unit for determining/selecting whether to transmit the audio signal by the radio transmitting unit or to output the audio signal by the audio output unit (i.e., the operator has the capability to send the audio data to the audio output unit 240 of Figure 13 or to a ground station

18, see column 22, lines 34-60, column 23, lines 15-32); and an audio output instructing command receiver for receiving an audio output instructing command from the communication terminal (i.e., ground control tower 216 of Figure 16), wherein the audio output instructing unit selects the selection according to the audio output instructing command received in the audio output instructing command receiver (i.e., communication terminal 216 is capable of communicating with personnel within the airplane via transceiver 76, and as such audio output instructions may be provided to the airplane from communication terminal 216 for the specific instructions such as the selection according to the audio output instructing command received).

Monroe does not particularly disclose, though, the followings:

(a) an audio output instructing unit for determining whether to transmit the audio signal by the radio transmitting unit or to output the audio signal by the audio output unit, as a selection, depending on a distance between the transmitter and the communication terminal, wherein the distance is obtained based on a field strength of a radio wave transmitted from the communication terminal/transmitter as claimed in claims 1 and 21; and

(b) a field strength detector for measuring the field strength of the radio wave transmitted from the communication terminal, wherein the audio output instructing unit determines the selection according to the measured field strength of the field strength detector as claimed in claim 7 .

Regarding (a) and (b), it is however considered obvious that if the moving image and audio transmitter is close enough to the communication terminal, then only the speaker from the moving image and audio transmitter unit is needed for communication between the two, and thus not requiring any radio communication. In any event, Raskin discloses a communication system as shown in Figure 1, and teaches the conventional use of a speaker 14 within police vehicle for audio communication to nearby people, while using radio communication (13 of Figure 1) for communicating with the dispatch center (see column 1, lines 24-38, column 2, lines 35-43).

Further, Ichino discloses a television with user selectable radio sound, and teaches the conventional use of field strength detectors for measuring radio waves and the selection of audio based on such detected results (see column 2, lines 10-37). As such, it is considered obvious to provide such radio wave field strength detector of Ichino within the communication system of Raskin wherein the speaker 14 and radio 13 of Raskin could be selected based on the radio wave strength of the radio 13, and wherein the distance is obtained based on a field strength of a radio wave transmitted from the communication terminal (i.e., the strength of the radio wave as determined will give an indication of the distance between the transmitter and the communication terminal). Therefore, it would have been obvious to one of ordinary skill in the art, having the Monroe, Raskin, and Ichino references in front of him/her and the general knowledge of audio communication techniques, would have had no difficulty in providing the selective audio transmission via radio or to an audio output unit such as a speaker depending on a distance between the transmitter and the communication terminal wherein the distance is obtained based on a field strength of a radio wave transmitted from the communication terminal as taught by Raskin and Ichino for the transmitter system of Monroe for the same well known selective audio communication purposes as claimed.

4. Claims 2-4, 8, 23, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Monroe, Raskin, and Ichino as applied to claims 1, 7, 21, and 22 in the above paragraph (3), and further in view of Rostoker et al of record (5,793,416).

The combination of Monroe, Raskin, and Ichino discloses substantially the same transmitter as above, further including wherein the audio output instructing unit detects contact of the transmitter with the communication unit, and determines the selection (i.e., selective audio transmission as provided by Raskin and Ichino within the system of Monroe, column 1, lines 24-38, column 2, lines 35-43 of Raskin, column 2, lines 10-37 of Ichino).

The combination of Monroe, Raskin, and Ichino does not particularly disclose, though, wherein the audio output instructing unit controls a compression rate of the moving image compression coder depending on the selection as claimed in claims 2-4, and 23. However, Rostoker et al discloses a wireless system for communication of audio, video and data signals over a narrow bandwidth as shown in Figures 1 and 4, and teaches the conventional controllings of a compression rate of moving image compression coders depending on audio selections (see column 4, lines 30-43). Therefore, it would have been obvious to one of ordinary skill in the art, having the Monroe, Raskin, Ichino, and Rostoker et al references in front of him/her and the general knowledge of variable video compression rate selections, would have had no difficulty in providing the compression rate control of moving image compression coders as taught by Rostoker et al for the transmitter system of Monroe, Raskin, and Ichino for the same well known varying compression rate for video quality control purposes as claimed.

5. Claims 9-13, 17, and 25-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Monroe, Raskin, and Ichino as applied to claims 1, 7, 21, and 22 in the above paragraph (3), and further in view of Strandwitz et al of record (6,522,352).

The combination of Monroe, Raskin, and Ichino discloses substantially the same audio transmitter as above, further including a portable display terminal (i.e., 18 of Figure 3a) for communicating with a communication terminal, and receiving at least one of moving image data and audio data, the portable display terminal comprising a radio receiving unit (i.e., 14 of Figure 3a and see column 11, lines 7-20, column 12, lines 41-67) for receiving compression coded moving image data and compression coded audio data (i.e., as provided to 212 of Figure 16, see column 22, lines 34-60, column 23, lines 15-32); a moving image decoder (i.e., 520 of Figure 3a) for decoding the compression coded moving image data received in the radio receiving unit; a display unit (i.e., 18 of Figure 3a and within 216 of Figure 16) for displaying an image according to the moving image data decoded by the moving image decoder; an audio output unit for issuing

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the audio signal (see column 23, lines 15-32); an audio output determining unit for determining and controlling whether or not to output the audio signal from the audio output unit, depending on a distance between the portable display terminal and the transmitter/communication terminal, wherein the distance is obtained based on a field strength of a radio wave transmitted from the communication terminal/portable display terminal/transmitter (i.e., as provided by Raskin and Ichino), wherein the audio output determining unit includes an audio output instructing command transmitter for transmitting an output instructing command to designate an output destination of the audio signal at the communication terminal, to the communication terminal (i.e., the operator has the capability to send the audio data to the audio output unit 240 of Figure 13 or to a ground station 18, see column 22, lines 34-60, column 23, lines 15-32); a wireless moving image and audio transmitting system for communicating information including at least one of moving image data and audio data (see Figure 13); the wireless transmitting system comprising a transmitter (see columns 21-23); an audio output instructing command receiver for receiving an audio output instructing command from the portable display terminal (i.e., within ground control tower 216 of Figure 16), wherein the audio output instructing unit determines the selection according to the audio output instructing command received in the audio output instructing command receiver (i.e., communication terminal 216 is capable of communicating with personnel within the airplane via transceiver 76, and as such audio output instructions may be provided to the airplane from communication terminal 216 for the specific instructions such as the selection according to the audio output instructing command received); wherein the audio output determining unit of the portable display terminal comprises an audio output instructing command transmitter for transmitting an output instructing command to designate an output destination of the audio signal to the transmitter (i.e., the operation has the capability of two way communication with the terminal and the capability to send the audio data to the audio output unit 240 of Figure 13 or to a ground station 18, see column 22, lines 34-60, column 23, lines 15-

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32); and wherein the audio output determining unit is a changeover switch (see column 2, lines 10-37 of Ichino).

The combination of Monroe, Raskin, and Ichino does not particularly disclose, though, an audio decoder for decoding the compression coded audio data received in the radio receiving unit as an audio signal and an audio output unit for issuing the audio signal decoded by the audio decoder as claimed in claims 9, 13, and 25. Even without specific disclosure, it is considered obvious that the complementary audio decoder to the audio compressor 408 of Figure 12c of Monroe must be provided in the receiver side as shown in Figure 16 in order to properly decode the audio signal for hearing. In any event, Strandwitz et al teaches the conventional audio decoders (i.e., 220 of Figure 2) for decoding audio signals. Therefore, it would have been obvious to one of ordinary skill in the art, having the Monroe, Raskin, Ichino, and Strandwitz et al references in front of him/her and the general knowledge of audio encoder/decoders, would have had no difficulty in providing the audio decoder as taught by Strandwitz et al for the ground station system as shown in Figure 16 of Monroe for the same well known decoding of received audio data and issuing of the audio signal decoded by the audio decoder to the audio output unit purposes as claimed.

6. Claims 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Monroe, Raskin, Ichino, and Strandwitz et al as applied to claims 1, 7, 9-13, 17, 21, 22, and 25-29 in the above paragraphs (3) and (5), and further in view of Rostoker et al (5,793,416).

The combination of Monroe, Raskin, Ichino, and Strandwitz et al discloses substantially the same transmitter as above, further including wherein the audio output instructing unit detects contact of the transmitter with the portable display terminal and determines the selection of audio (i.e., selective audio transmission as provided by Raskin and Ichino within the system of

Monroe, see column 1, lines 24-38, column 2, lines 35-43 of Raskin, column 2, lines 10-37 of Ichino).

The combination of Monroe, Raskin, Ichino, and Strandwitz et al does not particularly disclose, though, wherein the audio output instructing unit controls a compression rate of the moving image compression coder depending on the selection as claimed in claims 14 and 15. However, Rostoker et al discloses a wireless system for communication of audio, video and data signals over a narrow bandwidth as shown in Figures 1 and 4, and teaches the conventional controllings of a compression rate of moving image compression coders depending on audio selections (see column 4, lines 30-43). Therefore, it would have been obvious to one of ordinary skill in the art, having the Monroe, Raskin, Ichino, Strandwitz et al, and Rostoker et al references in front of him/her and the general knowledge of variable video compression rate selections, would have had no difficulty in providing the compression rate control of moving image compression coders as taught by Rostoker et al for the transmitter system of Monroe, Raskin, Ichino, and Strandwitz et al for the same well known varying compression rate for video quality control purposes as claimed.

7. Due to the above new grounds of rejections, the Examiner wants to point out that only pertinent arguments from the amendment filed October 15, 2003 will now be addressed.

Regarding the applicants' arguments at pages 14-16 of the amendment filed October 003 concerning in general that speaker 240 is most likely located in the cockpit of the commercial airplane 10, thereby making it is highly unlikely that the ground control tower 216 would be able to receive the audio via the speaker 240 at any volume due to the pressurized commercial airplanes and engine noise that enters the passenger cabin and cockpit, and it would not be obvious to mount the outside speaker 240 of Monroe to the outside of the commercial airplane 10 to communicate with the ground control tower, the Examiner wants to point out that Monroe nevertheless clearly teaches the capability of communication between the crew onboard the

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airplane and the communication tower/ground based personnel (see column 2, lines 63-65, column 22, lines 34-60). It is noted that the crew inside the airplane may certainly communicate with the ground control tower when the engine is turned off, and it is certain that the speaker 240 is mounted to the outside of the commercial airplane 10 of Monroe. The critical issue at hand again is that the amplified speaker 240 of Monroe may certainly be used to provide a dialog between the crew onboard the plane and the communication tower, with or without the engine of the plane running. It is therefore submitted that the selective audio transmission via radio or to an audio output unit such as a speaker depending on a distance between the transmitter and the communication terminal wherein the distance is obtained based on a field strength of a radio wave transmitted from the communication terminal as taught by the combination of Raskin and Ichino (see above) may certainly be provided for the transmitter system of Monroe, thereby rendering the claimed invention obvious.

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this

Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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9. Any response to this final action should be mailed to:

Box AF

Commissioner of Patents and Trademarks
Washington, D.C. 20231


or faxed to:

(703) 308-9051, (for formal communications; please mark "EXPEDITED
PROCEDURE") (for informal or draft communications, please label
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal
Drive, Arlington, VA., Sixth Floor (Receptionist).

10. Any inquiry concerning this communication or earlier communications from the
examiner should be directed to Richard Lee whose telephone number is (703) 308-6612. The
Examiner can normally be reached on Monday to Friday from 8:00 a.m. to 5:30 p.m., with
alternate Fridays off.

Any inquiry of a general nature or relating to the status of this application should be
directed to the Group customer service whose telephone number is (703) 306-0377.


RICHARD LEE
PRIMARY EXAMINER

Richard Lee/rl

1/9/04

